

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

23-CR-99

SIMON GOGOLACK, et al.,

Defendants.

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that the United States of America, by its attorneys, Trini E. Ross, United States Attorney for the Western District of New York, and Louis A. Testani, Assistant United States Attorney, of counsel, hereby moves this Court for an extension of time for the government to file its motion for access to certain defendants' financial affidavits.

DATED: Buffalo, New York, February 12, 2024.

TRINI E. ROSS
United States Attorney

BY: s/LOUIS A. TESTANI
Assistant United States Attorney
United States Attorney's Office
Western District of New York
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UNITED STATES OF AMERICA,

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Defendants.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

LOUIS A. TESTANI, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York assigned to the prosecution of the above-referenced case. This affidavit is submitted in support of the government's motion for an extension of time to file its motion for access to certain defendants' financial affidavits.

2. On January 31, 2024, the Court ordered defendants Peter Gerace, Jr. and John Thomas Ermin to submit financial affidavits to the Court by February 12, 2024, so that the Court could make a determination as to whether learned counsel will be appointed for them. The Court permitted defendants Gerace and Ermin to file the financial affidavits *ex parte*. The Court also permitted the government to submit a motion for access to the financial affidavits by February 12, 2024.

3. The Assistant United States Attorneys who have been handling this matter have just begun a lengthy federal trial. Accordingly, Assistant United States Attorney Michael Adler and I have been assigned to handle this matter during that trial, including the motion for access to certain defendants' financial affidavits. Given that we were only recently assigned to the matter, Assistant United States Attorney Adler and I need more time to familiarize ourselves with the case. Accordingly, the government is requesting a one-week extension to file its motion for access to defendant Gerace and Ermin's financial affidavits.

4. Counsel for defendant Gerace, Mark A. Foti, Esq., and counsel for defendant Ermin, George V. C. Muscato, Esq., have been consulted and consent to the requested extension.

5. For the foregoing reasons, I respectfully request that the Court extend the government's deadline to file its motion for access to defendant Gerace and Ermin's financial affidavits one week.

s/LOUIS A. TESTANI
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
716/843-5894
Louis.Testani@usdoj.gov

Subscribed and sworn to before me
this 12th day of February, 2024.

s/ABBY PITZ
COMMISSIONER OF DEEDS
In And for The City of Buffalo, New York.
My Commission Expires December 31, 2024